

**GOVERNMENT OF TELANGANA**  
**ABSTRACT**

R&B Department – Payment of Decretal charges in O.S.No.41 of 2001 filed by the M/s.Bharathi Constructions company in the Honorable Court of Senior Civil Judge, Mahabubabad-Administrative Sanction -Accorded – Orders – Issued.

**TRANSPORT, ROADS & BUILDINGS (R.II) DEPARTMENT**

**G.O.RT.No. 527**

**Dated: 10/11/2015**

Read:

From the Engineer-in-Chief(R&B)S.R&CRN, Lr.No.  
3490/EE®/DEE4/AEE1/2015, Dt.12.02.2015,08.06.2015&04.08.2015.

\*\*\*

**ORDER:**

In the letters read above, the Engineer-in-Chief (R&B) State Roads, & CRN, Hyderabad informed that M/s. Bharathi Constructions Company, Mahabubabad have filed O.S.No.41 of 2001 in the Honourable Court of Senior Civil Judge, Mahabubabad challenging the action of Executive Engineer (R&B) Mahabubabad in recovering an amount of Rs.1,83,704/- for using oversized metal and for deficiency in crust thickness in the work “S.R to Hanamkonda-Narsampet-Mahabubabad road from Km.46/0 to 49/0” as imposed by the Quality Control wing from another work “S.R to Hanamkonda-Narsampet-Mahabubabad road from Km.54/0 to 56/0” which was also executed by the Petitioner.

2. He has stated that the SE has submitted that the following works were entrusted to the agency vide agreement Nos. mentioned against each.

Sl.No.	Name of the work	Contract value	Agreement No. & Date
1	S.R to Hanamkonda-Narsampet-Mahabubabad road from Km.54/0 to 56/0	1093508.70	404/1997-98, dt.3.3.98
2	S.R to Hanamkonda-Narsampet-Mahabubabad road from Km.46/0 to 49/0	3589888.27	66/99-2000, dt.13.10.1999.

3. He has further informed that the work at Sl.No.1 was completed by the agency and final payment was made on 16-7-1999. However the Quality Control Wing authorities inspected the work on 26.10.1999 and furnished their report on 15.11.1999 duly proposing the recovery for an amount Rs.1,83,704/- for using of oversize metal and less crust in the work. Since the final payment for the work was already made to the agency, the Department has no chance to recover the proposed amount in the same work.

4. He has also informed that, as per the Rule under P.S.71 of APDSS, the proposed amount was recovered in another work “S.R to Hanamkonda –Narsampet-Mahabubabad road from Km.46/0 to 49/0’ the details of which are shown under Sl.No.2 above.

5. Further, the Engineer-in-Chief (R&B), SR & CRN, Hyderabad has informed that the S.E has submitted that the agency has aggrieved by this action, and the agency filed the O.S. in the Hon’ble Court of Senior Civil Judge, Mahabubabad challenging that the Department has no right to recover any amount in another work after final settlement of the accounts of the completed work.

6. Further, the Engineer-in-Chief (R&B), SR & CRN, Hyderabad has stated that the Executive Engineer (R&B) Mahabubabad has filed Counter Affidavit in the

P.T.O

above O.S.No.41/2001 stating that the recovery was affected as per the Rule under PS.71 of APDSS and based on the Q.C Report furnished by the Executive Engineer (R&B) Quality control. But the Hon'ble Court have issued final orders on 30-12-2006 in favour of the petitioner directing the respondents to pay an amount of Rs.1,83,704/- with 6% interest Per Annum and also suit cost of Rs.10,452/-. Since the amount as detailed above is not paid, the agency have filed E.P to pay an amount of Rs.2,70,887/- towards the decretal amount along with 6% interest and suit cost vide E.P.No.10/2008 dated 4/2008. The Asst. Govt. Pleader, Mahabubabad through letter dt.8.11.2014 has offered his opinion on the case stating that this case is not fit for further appeal and advised to pay the decretal amount along with interest and suit cost to avoid the E.P.

**7.** The Engineer-in-Chief (R&B) State Roads &CRN, Hyderabad, has requested the Government to release amount of Rs.3,49,882/- towards decretal amount in O.S.No.41 of 2001 filed by the M/s. Bharathi Constructions company in the Court of Senior Civil Judge, Mahabubabad for the works S.R to Hanamkonda-Narsampet-Mahabubabad road from Km.46/0 to 49/0 in Warangal District and S.R to Hanamkonda-Narsampet-Mahabubabad road from Km.54/0 to 56/0 in Warangal District.

**8.** After careful examination of the matter, Government hereby accord Administrative Sanction for the amount of Rs.3,49,882/- towards decretal amount in O.S.No.41 of 2001 filed by the M/s.Bharathi Constructions company in the Hon'ble Court of Senior Civil Judge, Mahabubabad for the works S.R to Hanamkonda-Narsampet-Mahabubabad road from Km.46/0 to 49/0 in Warangal District and S.R to Hanamkonda-Narsampet-Mahabubabad road from Km.54/0 to 56/0 in Warangal District.

**9.** The amount sanctioned in Para (8) shall be debited the Head of account - 5054-Capital outlay on Roads and Bridges-04 -District and other Roads-MH800-Other Expenditure-GH 11-Normal State Plan- SH(07)-Major District Roads -530-Major works-532-Land(Charged) and initially shall be met as an advance from Contingency Fund for which orders will be issued by Finance (BG) Department separately.

**10.** The Engineer-in-Chief(R&B) State Roads & CRN, Hyderabad shall take further action in the matter accordingly. The Engineer-in-Chief (R&B) State Roads, Hyderabad shall also send necessary proposals to Finance (BG.I) Department at an appropriate time during the current financial year 2015-16 for obtaining Supplementary Grant.

**11.** These orders issues with the concurrence of Finance (EBS-X) Department vide their U.O.No.10955/361/A1/EBS.X/2015, dated.07.09.2015.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

SUNIL SHARMA  
PRINCIPAL SECRETARY TO GOVERNMENT

To,  
The Engineer-in-Chief (R&B),State Roads & CRN, Hyderabad.  
Copy to:  
The Accountant General, Telangana, Hyderabad.  
The Director of Works & Accounts, Telangana, Hyderabad.  
The O.S.D to Minister(R&B)  
P.S to Principal Secretary to Government, TR&B, Department.  
The Finance(EBS-X) Department.  
Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER